

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MANUEL DAVID OROZCO,

Defendant.

CR 17-43-GF-BMM

**ORDER**

Defendant Manuel Orozco (Orozco) appeared before United States Magistrate Judge John Johnston on August 1, 2017, and entered a plea of guilty to Possession of Child pornography as charged in Count I of the Superseding Information. Judge Johnston entered Findings and Recommendations on August 1, 2017. (Doc. 26). Judge Johnston determined: (1) that Orozco was fully competent and capable of entering an informed and voluntary plea; (2) that Orozco was aware of the nature of the charges against him and the consequences of pleading guilty to Count I of the Superseding Information; (3) that Orozco understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Orozco's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in Count I of the Superseding

Information; (5) that Orozco had adequate time to review the Plea Agreement with counsel; and (6) that Orozco understood each provision of the Plea Agreement. (Doc. 26 at 1-2). Judge Johnston recommended that this Court accept Orozco's plea of guilty to Possession of Child Pornography as charged in Count I of the Superseding Information. (Doc. 26 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Orozco's Motion to Change Plea (Doc. 13) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 16) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 29<sup>th</sup> day of August, 2017.



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Brian Morris  
United States District Court Judge